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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter

Pacific Telesis Group
Petition for Forbearance from
Application of Section 272 of the
Communications Act of 1934,
as Amended, to Previously
Authorized Services

CC Docket No. 96-149

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APR 21 1997

Federal Communications Commission
Office of Secretary

COMMENTS OF AT&T CORP.

Pursuant to the Public Notice issued on March 25, 1997, AT&T respectfully submits its Comments on Pacific Telesis Group's ("Pacific's") petition for forbearance, under Section 10 of the Communications Act of 1934, as amended,¹ from the application of the requirements of Section 272 of the Act to Pacific's E911 service.

In its Petition, Pacific asserts (pp. 2-3) that BOC provision of E911 service, which hands off emergency calls to public or private agencies in different LATAs and transmits data across LATA boundaries, was found to "not endanger competition" by

¹ Section 10(a) of the Act provides that the Commission shall forbear from application of any provision of the Act "if the Commission determines that -

- (1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;
- (2) enforcement of such regulation or provision is not necessary for the protection of consumers; and
- (3) forbearance from applying such provision or regulation is consistent with the public interest."

the U.S. District Court² and the Department of Justice.³ Pacific further states (at 3) that application of the separate affiliate requirement is not necessary to protect consumers because such separation would require "expensive reconfigurations and unnecessary disruption of telephone service" and forbearance would thus "avoid jeopardizing the safety of the public through service degradation." Finally, Pacific avers (at 3-4) that forbearance serves the public interest, relying on the District Court Order and DOJ Letter.

While Pacific's petition does not appear to satisfy the three-part Section 10 standard,⁴ AT&T would not oppose an appropriate application of the Commission's forbearance authority in connection with the imposition of Section 272 structural separation requirements on E911 services. The unique nature of the E911 services suggests that, upon a proper showing by an RBOC that its provision of E911 on an integrated basis meets the test for forbearance under the Act, it may be appropriate for a narrow exercise of the Commission's forbearance authority to allow the integrated provision of E911 service by that RBOC. In that event, however, it is important that the Commission make clear that it is not deregulating 911 and E911, that such an

² Citing U.S. v. Western Electric Co., No. 82-0912, 1984 U.S. Dist. LEXIS 10566, at *1 (D.D.C. Feb. 6, 1984) ("District Court Order").

³ Citing Letter from Constance K. Robinson, Chief, Communications and Finance Section, U.S. Department of Justice, Antitrust Division to Alan F. Ciampornero, Pacific Telesis Group, at 1 (March 27, 1991) ("DOJ Letter").

⁴ As a threshold matter, Pacific's reliance on the District Court Order and the DOJ Letter is insufficient to demonstrate that Pacific's waiver request meets the specific criteria for forbearance under Section 10, because those rulings turned on significantly different and narrower circumstances than required by Section 10 of the Act. In particular, the District Court Order and the DOJ Letter found the service in the public interest because it permits convenient and efficient access to emergency services providers, but did not address the implications of integration of that service for potential BOC competitors in the local exchange market.

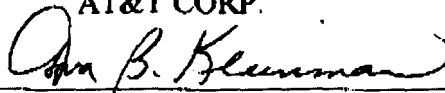
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action provides no precedent with regard to other RBOC services, and that the RBOC accorded such forbearance authority must comply with the accounting and other nondiscrimination safeguards required under the Commission's Computer Inquiry rulings for its E911 information service,⁵ as well as the nondiscrimination and other requirements of the Act.⁶

Respectfully submitted,

AT&T CORP.

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⁵ At a minimum, the RBOC must comply with the Commission's joint cost rules, 47 C.F.R. §64.901, appropriate amendments to its cost allocation manual, see 47 C.F.R. §64.903(b), and compliance with the Computer III customer proprietary network information requirements, as amended by Section 222 of the 1996 Act.

⁶ To the extent that the effect of Pacific's integrated provision of E911 service enables it exclusively to access unlisted numbers, as well as numbers available from other LECs who utilize Pacific's database for directory assistance services, such exclusive access to that information discriminates against competitive providers, and precludes them from offering their own E911 services. So long as Pacific continues to offer E911 service to end users and other carriers, it may not deny competitive providers the ability themselves to offer E911 services by denying them essential unlisted and third-party-LEC number information. This is precisely what the Section 272 safeguards are intended to prevent.

CERTIFICATE OF SERVICE

I, Rena Martens, do hereby certify that on this 21st day of April, 1997, a copy of the foregoing "Comments of AT&T Corp." was mailed by U.S. first class mail, postage prepaid, to the parties listed below:

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